

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Alexandria Division

In re:

CHRISTOPHER DOUGLAS BITTLER,

Debtor.

Case No. 07-11921-RGM
(Chapter 7)

BLAKE HARRISON,

Plaintiff,

vs.

Adv. Proc. No. 07-1145

CHRISTOPHER DOUGLAS BITTLER,

Defendant.

MEMORANDUM OPINION

THIS CASE is before the court on Blake Harrison's motion for summary judgment. The court reviewed the motion for summary judgment and affidavit and concludes that the defendant, Christopher Douglas Bittler, is collaterally estopped from re-litigating the issues raised in this case. All of the essential issues were previously adjudicated in the law suit known as *Blake Harrison v. Christopher Bittler*, Circuit Court for Loudoun County, At Law No. 32674, as set forth in the final order of that court of August 7, 2009.

The plaintiff did not give notice as required by Local Bankruptcy Rule 9013-1(m)(3), however, the court's prior memorandum opinion and order of September 17, 2009, (Docket Entry 31), clearly sets out the requirements the defendant must follow to respond to the motion for summary judgment. Both were served on the defendant by the court. He is neither surprised nor prejudiced by the plaintiff's failure to fully comply with LBR 9013-1(m)(3). Judgment will be

entered in favor of the plaintiff.

DONE at Alexandria, Virginia, this 28th day of October, 2009.

/s/ Robert G. Mayer
Robert G. Mayer
United States Bankruptcy Judge

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